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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|--------------------------------|---------------------|------------------|
| 09/973,251 | 10/08/2001 | David N. Sciuk | 267/040 | 6179 |
| 7590 12/06/2005 | | | | |
| ASHLEY J. WELLS .ESQ. 2347 Glade Bank Way Reston, VA 20191-2732 | | EXAMINER ZEENDER, FLORIAN M | | |
| | | ART UNIT | | PAPER NUMBER |
| | | 3627 | | |

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,251

Applicant(s)

SCIUK, DAVID N.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-47, 49-82, 84-108, 110-137, 139-158, 160-174 and 176-178 is/are pending in the application.
- 4a) Of the above claim(s) 29-47, 49-82, 84-99, 140-158, 160-174 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 100-108, 110-137, 139 and 176-178 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 100-102, 107-108, 110-137, 139, and 1776-177 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 100, when choice "(b)" is selected, it is not clear how "said representations" can improve over time if the representations were never constructed (*i.e., choice "(a)" never occurred*).

Claim Rejections - 35 USC § 103

Claims 100-108, 110-137, 139 and 176-178 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durand et al. in view of applicant's own admission of prior art.

Durand et al. disclose or inherently teach all the limitations of the claims in a system for data collection and matching compatible profiles including: a data storage device (see for example figs. 1-2); a virtual provider created through matching 3; a database containing information to base requests for information (see for example Table 3A in Col. 7); a scoring system having a predetermined formula (See, for example, Col. 12--Col. 14; and Fig. 5b); a management and sequencing system (See, for example, Col. 6, line 31); a reporting system that sends messages (See, for

example, Col. 19) and the use of artificial intelligence principles to adjust matching criteria to provide more realistic matches (See for example Col. 3).

Durand et al. lack the specific teaching of a knowledge base being substantially separate from program code that references the knowledge base.

The applicant has admitted on page 19 (first full paragraph) of the response received 9/20/2005 that "expert system of various kinds teach iterative convergent problem solving **in conjunction with a knowledge base**".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Durand et al. to include a knowledge base substantially separate from program code that references the knowledge base, in view of applicant's own admission of prior art, in order to provide a system that utilizes knowledge from experts in the field thereby improving quality of customer service.

Re claim 103: the limitations of verifying and correcting information is well known in the art of database management and to modify Durand et al. to include this capability would have been obvious to one of ordinary skill in the art to keep the information accurate.

Re claims 101-102, 104-108, 110-113, 117-118, 120-121, 123-131, 133-137, 139 and 176-178: the limitations are design choices that are known in e-commerce and other electronic activity; and to modify Durand et al. in view of applicant's admission of prior art to incorporate the limitations would have been obvious to one of ordinary skill in the art to produce a desired result.

Art Unit: 3627

Response to Arguments

Applicant's arguments filed 7/18/2005, 9/20/2005, and 9/29/2005 have been fully considered but they are moot in view of the new ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender
Patent Examiner, A.U. 3627
November 28, 2005


F. RYAN ZEENDER
PRIMARY EXAMINER 11/28/05